

REMARKS

Claims

Claims 1–12, 13, 15, 16, and 20, 21, 22, 25–33 and 35–36 are pending, of which claims 13, 15, 21, 22, 25–33 and 35–36 have been elected for prosecution herein pursuant to the restriction requirement of June 7, 2007.

Claims 1–12, 16 and 20 are hereby withdrawn from consideration pursuant to the forgoing restriction/election requirement.

Claims 14, 17–19, 23, 24 and 34 are cancelled without prejudice or disclaimer.

Claim amendments

Support for the amendment of the claims can be found in, for example, the disclosure contained in Table 5 at pages 24–25 of the originally-filed specification. It is respectfully submitted that the amendments do not recite new matter nor do they narrow the scope of the claims. Entry thereof is respectfully requested.

Restriction/Election

In response to the Election of Species Requirement mailed May 28, 2009, Applicants hereby elect, with traverse, a polypeptide variant of the sequence set forth in SEQ ID NO: 2 with the amino acid variations set forth in clone1, comprising, L54, I57, V62, S76, T100, N107, Y137, P141, T142, K189, Q219, K221, L227, I231, S235, T237, V238, K248, A258, I264, K270, K282, L287, P299, A321, L322, S332, Q346, P347, T351, L357, N358, V362, S384, A410, D419, Y456, A457, K460, and E472. The genus of molecules of the elected Group is generic to the invention inasmuch as the species have common structure (for example, a core polypeptide sequence) and property (for example, allergenic activity). To this end, Applicants cordially invite the Examiner to review the disclosure contained in the Examples of the present application. Withdrawal of the election of species requirement, in its entirety, is earnestly solicited.

Moreover, insofar as the Office Action fails to provide any rationale as to why search/examination of anything *beyond* a single clone would constitute an undue burden, this requirement is without merit. See MPEP §803.

Applicants additionally submit that in accordance with proper Markush practice, should no prior art be found which renders the invention of the elected species unpatentable, the search of the

remainder of the generic claim(s) should be continued in this same application.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

/Sagun KC/

Sagun KC, Reg. No. L0510
For Applicant(s)

/Anthony J. Zelano/

Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-3158-D01

Date: June 29, 2009